REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-20 remain pending. Claims 1, 7, 8, and 14 are independent.

SCOPE OF CLAIMS NOT ALTERED

Claims have been amended merely to address informal issues including antecedent basis issues. It is intended that the scope of the claims remain the same.

§ 103 REJECTION - TANAKA, ENOMOTO, JACOBSEN

Claims 1, 2, 4, 7-9, 11, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 6,577,338, hereinafter "Tanaka") in view of Enomoto (JP 10-096619) and in further view of Jacobsen et al. (USPN 6,677,936, hereinafter "Jacobsen"). *See Final Office Action, page 3, item 1 - page 10, item 11.* Applicants respectfully traverse this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.*

One requirement to establish a *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part, "a display...being structured such that an image displayed thereon can be confirmed regardless of the existence of auxiliary light". Applicants argued in the Rule 111 Reply filed on October 2, 2003, that the combination of Tanaka and Enomoto does not teach or suggest the above-recited feature. Applicants maintain this argument.

In the Final Office Action, the Examiner asserts that Tanaka by itself teaches the above-recited feature. This is simply not factually accurate.

Tanaka specifically discloses a display LCD 7 with a back-light drive circuit 7b. *See FIG. 1; column 5, line 21; column 6, lines 18 and 19.* As such, any image present on the LCD 7 can be confirmed only when the back-light drive circuit 7b supplies the

back-light (or auxiliary light) such that image on the LCD 7 may be illuminated.

To state it another way, without illumination, the image present on the LCD 7 simply cannot be confirmed. Therefore, Tanaka cannot reasonably be interpreted to teach or show the feature of the display being structured such that an image displayed thereon can be confirmed **regardless** of the existence of auxiliary light. *Emphasis added.*

However, in the Final Office Action, the Examiner asserts that ambient light that would be supplied outside of the camera teaches the "auxiliary light" as claimed. *See Final Office Action, Response to Arguments section, page 2.* First, this is an unreasonable interpretation given the language of the claim. The claimed invention clearly states "an auxiliary lamp which illuminates the auxiliary light onto the display." Thus, it is clear that the auxiliary light is the light from the auxiliary lamp. Ambient light simply does not qualify. Ambient light, at best, is closer to the "exterior light" as described in the specification.

In an effort to promote the prosecution of the application, the claims have been amended to clarify and recite proper

antecedence so that it is clear the auxiliary light is the light from the auxiliary lamp. Interpreted in this manner, it is abundantly clear that Tanaka cannot be relied upon to teach or suggest the above-recited claim element.

Even if the ambient light is unreasonably interpreted to suggest the auxiliary light, Tanaka still cannot be relied upon to teach or suggest the above-recited claim element.

Clearly, for an image on the LCD 7 of Tanaka to be confirmed, **the LCD 7 must be illuminated.** As previously noted, Tanaka describes illuminating the LCD 7 only with the back-light. Tanaka clearly indicates that when the image appears on the LCD 7, the power source is simultaneously supplied to the back-light drive circuit 7b. *See Tanaka, column 6, lines 15-19.*

However, as the Applicants noted in the October 2, 2003 Rule 111 Reply, **Tanaka is completely silent** regarding using any type of ambient/exterior light **for illuminating purposes.** Indeed, the structure of Tanaka's devices strongly suggest ambient light cannot be used. Thus, even if ambient light is interpreted to suggest the auxiliary light as claimed, Tanaka cannot be relied upon to teach or suggest the above-recited element of the claimed invention.

Enomoto and Jacobsen have not been, and indeed cannot be, relied upon to correct at least this deficiency of Tanaka.

Also, independent claim 1 recites, in part, "a control device for, in a case in which the designating device designates switching of an image, turning off the auxiliary lamp and controlling the display such that a displayed image is switched to another image which is then displayed and turning on the auxiliary lamp, and in a case in which the designating device does not further designate switching of the image even after a predetermined amount of time has elapsed from the time the image was switched to or from the time the auxiliary lamp was lit, the control device turns off the auxiliary lamp". The Examiner admits that neither Tanaka nor Enomoto may be relied upon to teach or suggest at least this element of the claimed invention. *See Final Office Action, page 4, last paragraph*.

Notwithstanding the comments above, the Examiner asserts that Jacobsen teaches the above-mentioned claim element. Contrary to this assertion, Jacobsen cannot be so relied upon. First, Jacobsen makes a clear distinction between **images** and **frames**. In Jacobsen, an image may be displayed as multiple frames. The frames are scanned to the display very rapidly in

succession to display the image. For example, Jacobsen states, "In order to reduce flicker it is desirable to drive the active matrix at 180 Hz to produce a 60 Hz color image." *See Jacobsen, column 1, line 66 - column 2, line 2.* In other words, **60 frames** should be displayed in one second to reduce flicker when displaying an image.

The Examiner specifically relies upon column 10, lines 48-55; column 11, lines 19-22; and column 11, lines 59-67 of Jacobsen. *See Final Office Action, page 5, first paragraph.* Closer observation of the relied upon portions reveal that **only** the frame display is discussed. To display a frame of an image, the frame is scanned to the display and the LEDs are flashed. The process starts over with the next frame of the image. In short, it is clearly unreasonable to assert that the display of frames as disclosed in Jacobsen suggests the display of images as claimed.

Second, claim 1 requires a determination to be made as to whether or not image switching takes place. However, **in Jacobsen, there is no determination made at all** - consecutive frames are scanned and displayed **always** one after the other. Thus, even if it is unreasonably asserted that the frames of

Jacobsen suggest the images as claimed, Jacobsen cannot be relied upon to teach or suggest the above-recited feature, i.e. "in a case in which the designating device designates switching of an image ... and in a case in which the designating device does not further designate switching of the image."

Third, the Examiner asserts that Jacobsen teaches turning the backlight **on** after a delay from writing the image frame to the display to allow the liquid crystals time to twist. It appears that the "delay" of Jacobsen is implicitly asserted to suggest the "predetermined time" as claimed.

However, even if this assertion is taken to be true, the element of claim 1 still cannot be met since claim 1 requires that the auxiliary light be turned **off** after the predetermined time has passed. Thus, again, even if it is unreasonably asserted that the frames of Jacobsen teach the images as claimed, Jacobsen cannot be relied upon to teach or suggest all elements of the claimed invention.

Fourth, even the purported motivation - to provide delay so that the liquid crystals of the display have time to twist - is without basis. In the time scale where individual frames are written, for example in a 60 Hz frame rate, twisting time of the

liquid crystals may be relevant. For example, Jacobsen indicates that a frame is scanned and displayed every 15-20 milliseconds. The actual time to scan the image frame to the display is on the order of 3 milliseconds. *See Jacobsen, column 12, lines 15-18.*

However, such time scale is of no relevance when it comes to discerning of images as claimed. One of ordinary skill simply would not find the amount of time liquid crystals to twist as a motivating factor to combine the references.

For at least the reasons stated above, independent claim 1 is distinguishable over the combination of Tanaka, Enomoto, and Jacobsen. Independent claims 7, 8, and 14 also recite features similar to one or both of the above-recited features. Therefore, claims 7, 8, and 14 are also distinguishable over the combination of Tanaka, Enomoto, and Jacobsen.

Claims 1, 2, 4, 9, 11, and 15 depend from independent claims 1, 7, 8, and 14 directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims as well as on their own merits, these dependent claims are also distinguishable over the combination of Tanaka, Enomoto, and Jacobsen.

Applicants respectfully that the rejection of claims 1, 2, 4, 7-9, 11, 14, and 15 based on Tanaka, Enomoto, and Jacobsen be withdrawn.

§ 103 REJECTION - TANAKA, ENOMOTO, JACOBSEN, OFFICIAL NOTICE

Claims 3, 10, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Enomoto in view of Jacobsen and in further view of an Official Notice. *See Final Office Action, page 10, item 12 - page 11, item 15.* Applicants respectfully traverse this rejection.

First, Applicants respectfully challenge the Official Notice and respectfully requests that proper references be provided to support the assertions of the Official Notice.

Second, even if taken to be true, the Official Notice addresses none of the above-noted deficiencies of Tanaka, Enomoto, and Jacobsen. Therefore, independent claims 1, 8, and 14 are distinguishable over the combination of Tanaka, Enomoto, Jacobsen, and the Official Notice.

Claims 3, 10, and 20 depend from independent claims 1, 8, and 14. Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also

distinguishable over the combination of Tanaka, Enomoto, Jacobsen, and the Official Notice.

Applicants respectfully that the rejection of claims 3, 10, and 20 based on Tanaka, Enomoto, Jacobsen, and the Official Notice be withdrawn.

§ 103 REJECTION - TANAKA, ENOMOTO, JACOBSEN, UEDA

Claims 5, 6, 12, 13, and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Enomoto in view of Jacobsen and in further view of Ueda et al. (U.S. Patent No. 5,748,237, hereinafter "Ueda"). *See Final Office Action, page 11, item 16 - page 16, item 23.* Applicants respectfully traverse this rejection.

Claims 5, 6, 12, 13, and 16-18 depend from independent claims 1, 8, and 14. Ueda has not been, and indeed cannot be, relied upon to cure the above-noted deficiencies of Tanaka, Enomoto, and Jacobsen. Therefore, claims 1, 8, and 14 are distinguishable over the combination of Tanaka, Enomoto, Jacobsen, and Ueda.

Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also

distinguishable over the combination of Tanaka, Enomoto, Jacobsen, and Ueda.

Applicants respectfully that the rejection of claims 5, 6, 12, 13, and 16-18 based on Tanaka, Enomoto, Jacobsen, and Ueda be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
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